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|  Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, NJ 07110 | Kimberly J. Prior Senior Counsel Patent Law Department Bldg. 86/7th Floor Telephone: 973-235-6208 Telefax: 973-235-2363 #6318 |
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| To: Examiner Golam M. Shameem Group: 1626 | Date: June 19, 2006 Telefax No.: 571-273-0706 Total Pages: 7 |
| In re Application of: | Jolidon, et al. |
| Serial No.: | 10/666,594 |
| Our Reference No.: | 21326 US |
| Filed: | September 18, 2003 |
| Title: 4-PYRROLIDINO-PHENYL-BENZYL ETHER DERIVATIVES | |
| <u>Response following Telephone Interview</u> | |
| <p>Dear Golam,</p> <p>In response to our telephone conversation on June 14, 2006, please find enclosed a Terminal Disclaimer with regard to US Patent 7,037,935 and application 10/667,087. Please feel free to contact me if there is anything further.</p> <p>Best regards, Kimberly</p> | |

242817

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Jolidon, et al.

Group: 1626

Serial No. 10/666,594, filed September 18, 2003
(Ref. No. 21326 US)

Examiner: Shameem, G. M.

For: **4-PYRROLIDINO-PHENYL-BENZYL ETHER DERIVATIVES****SUBMISSION OF TERMINAL DISCLAIMER**Nutley, New Jersey 07110
June 19, 2006Mail Stop: Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

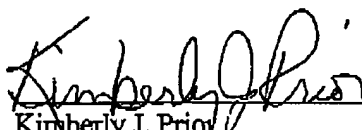
Dear Sir:

The enclosed Terminal Disclaimer is filed in response to the telephone interview conducted with Examiner Shameem on June 14, 2006. During the telephone interview, Examiner Shameem explained that upon further consideration, the Patent Office was reinstating the obviousness-type double patenting rejections originally made in the above-referenced application. Although not acquiescing to the rejections, Applicants file herewith a Terminal Disclaimer over U.S. Patent 7,037,935 and any patent issuing from U.S. Patent Application No. 10/667,087 because all three applications were filed on the same date, September 18, 2003, and because the filing of a Terminal Disclaimer is not an admission regarding the propriety of the rejection, *Quad Environmental Technologies Corpt. v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991).

Serial No. 10/666,594
Filed: September 18, 2003

If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney is respectfully solicited.

Respectfully submitted,



Kimberly J. Prio
Attorney for Applicant(s)
(Reg. No. 41,483)
340 Kingsland Street
Nutley, New Jersey 07110
Telephone: (973) 235-6208
Telefax: (973) 235-2363

242819

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Jolidon et al.

Group: 1626

Serial No. 10/666,594, filed September 18, 2003 Examiner: Shameem, G. M.
(Ref. No. 21326)

For: **4-PYRROLIDINO-PHENYL-BENZYL ETHER DERIVATIVES**TERMINAL DISCLAIMER

Nutley, New Jersey 07110
June 19, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Hoffmann-La Roche Inc., a corporation of the state of New Jersey, having an office at 340 Kingsland Street, Nutley, New Jersey 07110, is the assignee of the entire right, title and interest in and to the invention described and claimed in the captioned application for Letters Patent of the United States, and in and to said application and in and to any and all Letters Patent of the United States which may issue from said applications, by virtue of an Assignment by Synese Jolidon, Rosa Maria Rodriguez-Sarmiento, Andrew William Thomas, Wolfgang Wostl and Rene Wyler to F.Hoffmann-La Roche AG, recorded in the United States Patent and Trademark Office on September 2, 2004 at reel 015102, frame 0283 and an Assignment by F.Hoffmann-La Roche AG to Hoffmann-La Roche Inc., recorded in the United States Patent and Trademark Office on September 2, 2004, at reel 01500, frame 0332.

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Hoffmann-La Roche Inc. hereby certifies that the evidentiary documents have been reviewed, and, to the best of Hoffmann-La Roche Inc.'s knowledge and belief, title to the captioned application is in Hoffmann-La Roche Inc.

Hoffmann-La Roche Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application which would extend beyond the expiration date, including any extension obtained under 35 U.S.C. § 156, of U.S. Patent No. 7,037,935 issued May 2, 2006, and of any patent issuing from U.S. Patent Application No. 10/667,087, filed September 18, 2003.

Hoffmann-La Roche Inc. further agrees that any patent so granted on the captioned application, together with any right to recover for its violation, shall be enforceable only for and during such period that the legal title to any patent granted on the captioned application shall be the same as the legal title to U.S. Patent No. 7,037,935 issued May 2, 2006, and any patent issuing from U.S. Patent Application No. 10/667,087. This agreement to run with any patent granted on the captioned application and to be binding upon the grantee, its successors or assigns.

Hoffmann-La Roche Inc. does not disclaim the terminal part of the term of any patent granted on the captioned application prior to the expiration date of the full statutory term as

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Filed: September 18, 2003

defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 7,037,935 issued May 2, 2006, or of any patent issuing from U.S. Patent Application No. 10/667,087, as presently shortened by any terminal disclaimer, in the event that said patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Hoffmann-La Roche Inc. makes the above disclaimer without prejudice to its rights to extend, under 35 U.S.C. §§ 154-156, the term of any U.S. patent granted on the captioned application beyond the term provided by this Terminal Disclaimer.

The undersigned has authority to sign on behalf of Hoffmann-La Roche Inc. since he is an officer of Hoffmann-La Roche Inc.

The Commissioner is hereby authorized to charge the statutory fee of one hundred ten dollars (\$110.00) to Deposit Account No. 08-2525. The Commissioner also is hereby authorized to charge any additional fees that may be required, or credit any over payment to Account No. 08-2525.

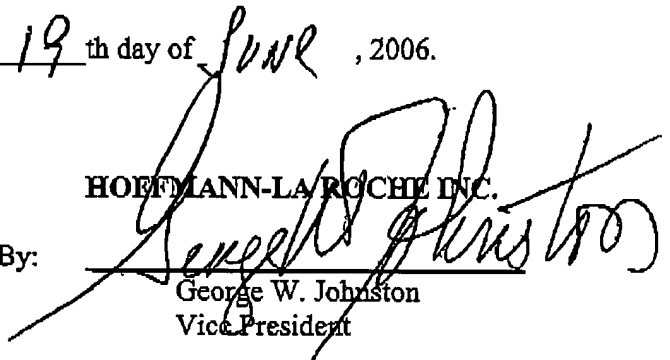
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I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Nutley, State of New Jersey, this 19 th day of June, 2006.

HOFFMANN-LA ROCHE INC.

By:


George W. Johnston
Vice President

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